

1 [Counsel For All Parties  
2 Listed on Signature Page]  
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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

13 KEITH THOMAS, RICHARD HAYES, HERB  
14 SMITH, and OKLAHOMA POLICE PENSION  
15 & RETIREMENT SYSTEM,  
16 Plaintiffs,  
17 v.  
18

19 MAGNACHIP SEMICONDUCTOR CORP.  
20 SANG PARK, TAE YOUNG HWANG,  
21 MARGARET SAKAI, R. DOUGLAS NORBY,  
22 ILBOK LEE, NADER TAVAKOLI, RANDAL  
23 KLEIN, MICHAEL ELKINS, AVENUE  
24 CAPITAL MANAGEMENT II, L.P.,  
25 BARCLAYS CAPITAL INC., DEUTSCHE  
26 BANK SECURITIES INC., CITIGROUP  
27 GLOBAL MARKETS INC., UBS  
28 SECURITIES LLC and NEEDHAM &  
COMPANY, LLC,

Defendants.

Case No.: 3:14-cv-01160-JST

**CLASS ACTION**

Judge: Hon. Jon S. Tigar

**STIPULATION AND [PROPOSED]  
ORDER PURSUANT TO LOCAL RULE  
6-2**

1           Avenue Capital Management II, LP (“Avenue Capital”) and Plaintiffs (together with  
2 Avenue Capital, the “Parties”), through their undersigned counsel, hereby submit this Stipulation  
3 and Proposed Order regarding Plaintiffs’ withdrawal of their designation of William H. Purcell  
4 (“Purcell”) as an expert for trial and the expert report of Purcell (“Purcell Report”), Avenue  
5 Capital’s corresponding withdrawal of its Motion to Strike the Expert Report and Preclude the  
6 Testimony of William H. Purcell (“Motion”), and the resultant amended discovery deadlines:

7           WHEREAS, Avenue Capital filed the Motion (ECF No. 303), Plaintiffs filed an opposition  
8 (ECF No. 312), and Avenue Capital filed a reply (ECF No. 315);

9           WHEREAS, by order dated March 20, 2017 (ECF No. 304), the Court set a hearing on the  
10 Motion for May 4, 2017 at 2 p.m., the time of which was amended by order dated March 27, 2017  
11 (ECF No. 310) to May 4, 2017 at 9:30 a.m. (“Hearing”);

12           WHEREAS, by order dated May 1, 2017 (ECF No. 316), the Court requested that, for the  
13 Hearing, the Parties be prepared to address whether Plaintiffs should be allowed to file a new  
14 supplemental expert report and to identify deadlines for a supplemental expert report and rebuttal if  
15 the Court granted the Motion;

16           WHEREAS, by order dated March 22, 2017 (ECF No. 309) (“March 22 Scheduling  
17 Order”), expert rebuttal reports shall be served on or before July 7, 2017 (provided however that  
18 Avenue Capital’s deadline to serve rebuttal to the Purcell Report shall be the later of July 7, 2017,  
19 and 30 days after the Court resolves the Motion), expert reply reports shall be served on or before  
20 August 4, 2017 (provided however that Plaintiffs’ deadline to serve a reply regarding the Purcell  
21 Report shall be the later of August 4, 2017, and 60 days after the Court resolves the Motion), expert  
22 discovery shall be complete by September 1, 2017 (provided however that the deadline to complete  
23 expert discovery with respect to Purcell shall be the later of September 1, 2017, and 90 days after  
24 the Court resolves the Motion), dispositive motions shall be filed by October 4, 2017, pretrial  
25 statements shall be filed by March 16, 2018, a pretrial conference shall take place on March 23,  
26 2018, and a jury trial shall take place beginning April 23, 2018;

27           WHEREAS, the undersigned parties believe that the circumstances described above warrant  
28 good cause to order the following.

1 NOW, THEREFORE, the undersigned hereby stipulate, subject to Court approval, that:

- 2 1. Plaintiffs shall withdraw their designation of Purcell as an expert for trial and the Purcell
- 3 Report;
- 4 2. Avenue Capital shall withdraw its Motion;
- 5 3. The Hearing is canceled;
- 6 4. All deadlines associated with the Purcell Report in the March 22 Scheduling Order are
- 7 canceled;
- 8 5. Plaintiffs shall serve any supplemental expert disclosure to replace their designation of
- 9 Purcell as an expert for trial and the Purcell Report (“Replacement Report”) on or before
- 10 July 7, 2017;
- 11 6. The scope of the opinions expressed in the Replacement Report shall be substantially the
- 12 same as the scope of the opinions expressed in the Purcell Report;
- 13 7. Avenue Capital shall serve its expert rebuttal to the Replacement Report on or before
- 14 September 20, 2017;
- 15 8. Plaintiffs shall serve any expert reply to Avenue’s rebuttal to the Replacement Report on
- 16 or before October 18, 2017;
- 17 9. The deadline for completing expert discovery with respect to the Replacement Report
- 18 shall be November 15, 2017;
- 19 10. The deadline for filing dispositive motions is extended from October 4, 2017 to
- 20 December 15, 2017;
- 21 11. The deadline for filing pretrial statements is extended from March 16, 2018 to April 13,
- 22 2018;
- 23 12. The pretrial conference scheduled on March 23, 2018 is continued to April 20, 2018 or
- 24 as soon as possible thereafter; and
- 25 13. The jury trial scheduled to begin on April 23, 2018 is continued to May 21, 2018 or as
- 26 soon as possible thereafter.

1           **IT IS SO STIPULATED:**

2           Dated: May 2, 2017

3           **AKIN GUMP STRAUSS HAUER  
& FELD LLP**

4           */s/ Peter I. Altman*

5           Neal R. Marder (SBN 126879)  
6           Peter I. Altman (SBN 285292)  
7           Ali R. Rabbani (SBN 253730)  
8           Andrew S. Jick (SBN 278943)  
9           1999 Avenue of the Stars, Suite 600  
10           Los Angeles, CA 90067-6022  
11           Telephone: 310.229.1000  
12           Facsimile: 310.229.1001  
13           nmarder@akingump.com  
14           paltman@akingump.com  
15           arabbani@akingump.com  
16           ajick@akingump.com

17           John C. Murphy  
18           One Bryant Park  
19           Bank of America Tower  
20           New York, NY 10036  
21           Telephone: 212.872.1000  
22           Facsimile: 212.872.1002  
23           jmurphy@akingump.com

24           *Counsel for Avenue Capital Management II,  
25           L.P.*

26           **POMERANTZ LLP**

27           */s/ Jonathan Stern*

28           Patrick V. Dahlstrom  
1           Joshua B. Silverman  
2           Louis C. Ludwig  
3           10 South LaSalle, Ste. 3505  
4           Chicago, Illinois 60603  
5           Telephone: (312) 377-1181  
6           Facsimile: (312) 377-1184  
7           Email: pdahlstrom@pomlaw.com  
8           jbsilverman@pomlaw.com  
9           lcludwig@pomlaw.com

10           Marc I. Gross  
11           Jeremy A. Lieberman  
12           Michael J. Wernke  
13           600 Third Avenue, 20th Floor  
14           New York, New York 10016  
15           Telephone: (212) 661-1100  
16           Facsimile: (212) 661-8665  
17           Email: migross@pomlaw.com  
18           jalieberman@pomlaw.com  
19           mjwernke@pomlaw.com

20           **THE ROSEN LAW FIRM, P.A.**  
21           Laurence M. Rosen, Esq. (CSB# 219683)  
22           Jonathan Stern  
23           275 Madison Avenue, 34th Floor  
24           New York, New York 10016  
25           Telephone: (212) 686-1060  
26           Fax: (212) 202-3827  
27           Email: lrosen@rosenlegal.com

28           ***Class Counsel***

1           **GLANCY PRONGAY & MURRAY LLP**  
2           Lionel Z. Glancy (CSB# 134180)  
3           Robert V. Prongay (CSB# 270796)  
4           1925 Century Park East, Suite 2100  
5           Los Angeles, CA 90067  
6           Telephone: (310) 201-9150  
7           Facsimile: (310) 201-9160  
8           Email: info@glancylaw.com

9           ***Liaison Counsel***

10           \*\*Pursuant to L.R. 5-1(i)(3), I attest that concurrence in the filing of this document has  
11           been obtained from each of the other signatories above.

## [PROPOSED] ORDER

**PURSUANT TO STIPULATION, IT IS SO ORDERED.**

Dated: May 3, 2017

John. Tijer

Hon. Jon S. Tigar,  
United States District Judge